

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. 1:22-cv-22171-JEM

**MICHAEL J. FITZGERALD,
Individually, and YELANY DE VARONA,
Individually**

Plaintiffs,

v.

**RONDA MCNAE, individually, and
WILLIAM MCNAE, individually,**

Defendants.

_____ /

PLAINTIFF’S MOTION TO STRIKE DOCKET ENTRIES 478 AND 479

Plaintiff, Michael Fitzgerald (“Fitzgerald”), by and through the undersigned counsel, hereby files this Motion to Strike Defendant Ronda McNae’s (“McNae”) Reply in Support of Motion to Strike (ECF No. 478) (the “Reply”) and McNae’s Notice to Preserve the Record Concerning *Daker v. Owens* (ECF No. 479) (the “Notice”) (the “Reply” and the “Notice” are collectively referred to as the “False Filings”) and states:

McNae filed the False Filings on October 23, 2024. *See* ECF No. 479. The False Filings contain statements that are untrue, scandalous and impertinent. Accordingly, Fitzgerald moves to strike the False Filings.

McNae’s False Filings stem from a case that was cited in this Court’s August 11, 2025 Omnibus Order on Defendant’s Motion to Vacate Judgment, Request for Indicative Ruling and Motion for Clarification (the “Omnibus Order”). *See* ECF No. 463. In the Omnibus Order, the Court referred to *Daker v. Owens*, No. 22-12830, 2024 WL 2796400 at *6 (11th Cir. May 31,

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2024) for the premise that “litigants only require ‘fair notice of the possible imposition of sanctions and an opportunity to respond orally or in writing.’ ” *Id. Daker* was cited to support the Court’s statement that it is authorized to restrict access to vexation and abusive litigants. *Id.* Plaintiff referred to the Omnibus Order in a recent filing to assert that McNae was already cautioned that she may be subject to sanctions for filing repetitive motions. *See* ECF No. 477. Plaintiff never cited nor referred to *Daker* in any court filings.

Yet, McNae argues:

- Since entry of DE 463, Plaintiff’s counsel has repeatedly cited *Daker v. Owens* to characterize Defendant’s filings as “vexatious.” *See* ECF No. 479.
- Plaintiff’s counsel highlighted [*Daker*] in her email to chambers when submitting their proposed order. *See* ECF No. 478.

Neither of the above statements are true. Undersigned requested clarification from McNae as to her assertions, but McNae has not responded to several emails. The email sent from the undersigned the chambers on August 22, 2025 reads as follows:

Dear Honorable Judge Martinez:

On July 31, 2025, this Court entered an Order to Show Cause (ECF 460) which directed the Defendant, Ronda McNae, to file a Response to Plaintiff’s Motion for Order to Show Cause to show why the requested relief should not be granted. Defendant Ronda McNae filed her Response on August 14, 2025 (ECF 466) and Plaintiff Michael Fitzgerald filed his Reply on August 21, 2025 (ECF 467). Accordingly, this matter is ripe for adjudication.

Plaintiff respectfully submits the attached Proposed Order on this issue, in Word format, for Your Honor. Thank you for your attention to this matter.

Respectfully submitted on behalf of the Plaintiff,

Meredith J. Gussin, Esq.
Litigation



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Clearly, there was no mention of *Daker*.

McNae's False Filings follow her pattern of vexatious and abusive litigation practice, which was clearly censured in the Omnibus Order. Accordingly, due to the falsehoods that McNae has publicly posted on the docket of this matter, Fitzgerald requests that Docket Entries 478 and 479 be stricken on the basis that they lack merit and contain lies.

WHEREFORE, based on the foregoing, Plaintiff Michael Fitzgerald respectfully requests that this Court (1) enter an Order striking Defendant Ronda McNae's Reply in Support of Motion to Strike (ECF No. 478) and Defendant Ronda McNae's Notice to Preserve the Record Concerning *Dakar v. Owens* (ECF No. 479) from the docket of this matter, (2) bar Defendant Ronda McNae from filing any further notices or motions without prior leave of this Court, (3) for sanctions for her abusive and fallacious filings, and (4) for such other and further relief the Court deems fair and just.

Dated: October 28, 2025

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served upon Defendant Ronda McNae at prose.rmcnae@gmail.com on this 28th day of October, 2025.

By: /s/ Meredith J. Gussin
Meredith J. Gussin